

REMARKS

This responds to the Final Office Action dated December 30, 2008. This response to the outstanding Office Action is rendered in **appeal brief format**. The Examiner is invited to telephone Applicant's representative, John I. Fischer at 612-371-2134 if the below remarks do not result in allowance of the claims, to discuss whether any agreement can be reached with respect to the claims to avoid an appeal.

Claim 7 is amended to correct minor clerical errors. The amendment is not in response to any art based rejection or other reason related to patentability. Applicant submits that these amendments do not introduce any new matter and therefore, should not prompt a new search or additional examination.

No other claims are added, canceled or amended. As a result, claims 1-18 are pending in this patent application.

Should the Examiner wish to respond in an Advisory Action with new arguments or new references, Applicant respectfully requests withdrawal of the finality of this Office Action to afford Applicant a full and fair opportunity to respond to the same.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement and a PTO 1449 Form on February 20, 2008 and a Supplemental Information Disclosure Statement and a PTO 1449 Form on November 3, 2008. Applicants respectfully request that initialed copies of the PTO 1449 Forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the Assignee, WMS Gaming, Inc.

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Applicant that will have a bearing on the Board's decision in an appeal of this matter.

3. STATUS OF THE CLAIMS

Claims 1-18 are currently pending in this patent application. A Final Office Action was mailed on December 30, 2008. Claims 1-14 stand twice-rejected and their rejection provide the basis for the appeal of this matter.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action mailed December 30, 2008.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Aspects of the present inventive subject matter include, but are not limited to, methods and systems for providing a gaming terminal network with a message director.

INDEPENDENT CLAIM 1

1. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:
 - receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals;
 - identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to at least the first application queue; and

transmitting the received primary event message to the identified first application queue.

DEPENDENT CLAIM 4

4. The method of claim 2, further including executing the first application on a secondary server in communication with the central server.

INDEPENDENT CLAIM 8

8. A gaming network comprising:
- a gaming terminal for generating an event message; and
 - a central server in communication with the gaming terminal, the central server including:
 - a routing queue operable to receive a plurality of event messages including the event message for one or more applications,
 - a plurality of application queues, each application queue operable to receive one or more event messages of the plurality of event messages, each application queue associated with an application of the one or more applications to process the received one or more event messages in each respective application queue,
 - an association data structure, implemented using a relational database and operable to establish an association between the plurality of event messages and at least one application queue of the plurality of application queues,
 - wherein the central server is operable to receive the plurality of event messages in the routing queue, identify via the association data structure at least one application queue of the plurality of application queues corresponding to the received plurality of event messages and transmit the received plurality of event messages to the at least one application queue identified via the association data structure.

INDEPENDENT CLAIM 9

9. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:

receiving a primary event message in the central server from one of the plurality of gaming terminals, the central server including an association data structure implemented using a relational database, the association data structure associating the primary event message with at least one application configured to process the primary event message;

identifying, using the association data structure, at least one application to process the primary event message; and

transmitting the received primary event message to the identified at least one application for processing.

INDEPENDENT CLAIM 10

10. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:

receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals;

identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to the first application queue;

identifying a second application queue associated with a second application configured to process the primary event message using the association data structure, the association data structure storing the association of the primary event message to the second application queue; and

transmitting the received primary event message to the identified first and second application queues.

DEPENDENT CLAIM 11

11. The method of claim 10, wherein the transmitting the received primary event message to the identified first and second application queues includes using message queuing, the message queuing including a store-and-forward mechanism.

DEPENDENT CLAIM 15

15. The method of claim 1, wherein identifying the first application queue associated with the first application configured to process the primary event message comprises:
determining an event type associated with the primary event message; and
determining, using the relational database, a queue identifier related to the event type, the queue identifier identifying the first application queue.

INDEPENDENT CLAIM 18

18. A method of communication in a gaming network having a central server linked to a plurality of gaming terminals, the method comprising:
receiving a primary event message in a routing queue of the central server from one of the plurality of gaming terminals;
identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message, the association data structure implemented using a relational database and storing an association of the primary event message to at least the first application queue;
transmitting the received primary event message to the identified first application queue;
retrieving the primary event message from the first application queue with the first application;
processing the primary event message with the first application;
identifying a second application queue associated with a second application configured to process the primary event message using the association data structure, the association data structure storing an association of the primary event message to the second application queue;
and
routing the primary event message to the second application queue.

6. GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

- I.) Claims 1-11, 15-16 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Acres (U.S. Patent 6,319,125).
- II.) Claims 12-14, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Acres in view of Bowman-Amuah (U.S. Patent No. 6,289,382).

7. ARGUMENT

A) The Applicable Law

A.1 The Applicable Law under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

A.2 The Applicable Law under 35 U.S.C. §103

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d (BNA) 1596, 1598 (Fed. Cir. 1988). First and foremost, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); M.P.E.P. § 2143.03. When combining prior art references to construct a *prima facie* case, the Examiner must show some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art that would lead an individual to combine the relevant teaching of the references. *Id.* The M.P.E.P. contains explicit direction to the Examiner that agrees with the *In re Fine* court:

In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d (BNA) 1438 (Fed. Cir. 1991)).

An invention can be obvious even though the suggestion to combine prior art teachings is not found in a specific reference. *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q.2d (BNA) 1443 (Fed. Cir. 1992). However, while it is not necessary that the cited references or prior art specifically suggest making the combination, there must be some teaching somewhere which provides the suggestion or motivation to combine prior art teachings and applies that combination to solve the same or similar problem which the claimed invention addresses. One of ordinary skill in the art will be presumed to know of any such teaching. (See, e.g., *In re Nilssen*, 851 F.2d 1401, 1403, 7 U.S.P.Q.2d 1500, 1502 (Fed. Cir. 1988) and *In re Wood*, 599 F.2d 1032, 1037, 202 U.S.P.Q. 171, 174 (C.C.P.A. 1979)). However, the level of skill is not that of the person who is an innovator but rather that of the person who follows the conventional wisdom in the art. *Standard Oil Co. v. American Cyanamid Co.*, 774 F.2d 448, 474, 227 U.S.P.Q. 293, 298 (Fed. Cir. 1985). The requirement of a suggestion or motivation to combine references in a *prima facie* case of obviousness is emphasized in the Federal Circuit opinion, *In re Sang Su Lee*, 277 F.3d 1338; 61 U.S.P.Q.2D 1430 (Fed. Cir. 2002), which notes that the motivation must be supported by evidence in the record.

The test for obviousness under § 103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985). References must be considered in their entirety, including parts that teach away from the claims. See MPEP § 2141.02. The fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also

suggests the desirability of the combination. *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01.

Recently, the Supreme Court rejected a rigid application of the “teaching, suggestion, motivation” test, but recognized that a more flexible conception of the test was consistent with the *Graham* analysis. *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 USPQ.2d 1385 (2007). Guidance provided in a PTO Memo of May 3, 2007 recognizes this holding. In addition, the PTO Memo of May 3, 2007 indicated that “analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit,” citing the Court’s decision.

B) *The References*

Acres (U.S. 6,319,125): relates to a method and apparatus for controlling a bonusing promotion system using a bonus server interconnected to a plurality of gaming devices (*see Acres at Abstract*).

Bowman-Amuah (U.S. 6,289,382): relates to a system for delivering a service via a globally addressable interface (*see Bowman-Amuah at Abstract*).

C) *Discussion of the Rejections*

C.1. *The rejection of claims 1-11, 15-16 and 18 using Acres.*

Concerning Claims 1, 8-10, 15, and 18

Applicant respectfully submits that a *prima facie* case of anticipation of independent claims 1, 8-10, 15, and 18 has not been established because Acres fails to disclose all elements in the arrangement recited in the present claims.

Applicant submits that Acres does not disclose “identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message,” as recited in claim 1 and similarly recited in claims 8-10, 15, and 18. Instead, Acres refers generally to routing messages. As Acres states:

FIG. 36 shows a flow diagram of a routine for controlling a message receipt from the network using RRM 373 as shown in FIG. 35. The routine identifies and decodes incoming messages and routes them to the appropriate event manager. Blocks 392-394 form an infinite processing loop that is performed whenever a new message (event) is received into the message queue 372.

During each iteration of the loop (blocks 392-394), each new message is received and decoded (block 392). If the message is addressed to the particular bonus server 370 (block 393), the message is routed to the appropriate event manager (CSM 380, BCM 378 or MCM 376) (block 394). Otherwise, the message is ignored.

Acres at 31:50 – 32:5. As illustrated, Acres does not describe the use of an association data structure to identify a first application queue associated with a first application configured to process the primary event message,” as recited in claim 1 and similarly recited in claims 8-10, 15, and 18.

Furthermore, Applicant cannot find in the cited portions of Acres any disclosure or description of “the association data structure implemented using a relational database” as recited in claim 1 and similarly recited in claims 8-10, 15, and 18. Instead, the Final Office Action refers to FIGS. 2A-2N of Acres and states that a “relational database implicitly disclosed wherein Figs. 2A-2N teach of ‘A configuration workstation 359 is used to monitor, configure and modify bonus parameters on the bonus server 351...’” Final Office Action of December 30, 2008 at p. 4, lines 17-22 (citing Acres at col. 18, lines 14-18 and FIGS. 2A-2N). Applicant has reviewed these cited portions of Acres and submits that Figures 2A-2N merely illustrate representative user interfaces of a configuration workstation 359. Applicant does not concede that Acres’ FIGS. 2A-2N disclose a relational database. Even if, *in arguendo*, the user interfaces in FIGS. 2A-2N of Acres do imply a relational database, they clearly do not provide the disclosure needed to anticipate “identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message,” as recited in claim 1 and similarly recited in claims 8, 9 10, 15, and 18.

Moreover, to the extent that the Final Office Action is asserting that Figures 2A-2N of Acres inherently disclose a relational database; Applicant respectfully refutes this implied assertion. In particular, to be considered an inherent feature, “the examiner must provide basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art,” MPEP § 2112, citing Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. MPEP § 2112, citing *In*

re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (emphasis in original). As such, Applicant respectfully submits that it is not necessarily inherent to the operation of the system referred to in Acres to use a relational database in a user interface. As a counterexample, data managed by a user interface may be stored and arranged one or more files in a computer filesystem. Thus, because alternative implementations are possible, it is clearly neither necessary nor inherent that “the association data structure [be] implemented using a relational database,” as recited in claim 1 and similarly recited in claims 8-10, 15, and 18.

Thus, because Acres apparently does not disclose or describe all of elements of these claims in the arrangement provided in this claim, Applicant respectfully submits that no *prima facie* case of anticipation exists with respect to claims 1, 8-10, 15, and 18. Moreover, because Acres does not disclose, teach, or suggest all of the elements of these claim, Applicant respectfully submits that no *prima facie* case of obviousness exists with respect to claims 1, 8-10, 15, and 18. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102 and § 103 rejections of these claims.

Concerning claim 4

Applicant respectfully submits that a *prima facie* case of anticipation of dependent claim 4 has not been established because Acres fails to disclose all elements in the arrangement recited in claim 4.

Applicant submits that Acres does not disclose “executing the first application on a secondary server in communication with the central server,” as recited in claim 4. Instead, the cited portion of Acres refers generally to different types of bonus servers. As Acres states:

FIG. 5 shows a functional block diagram of a bonus promotion system 350 according to the present invention. The system 350 includes a bonus server 351 which is the central control point for each of the bonus promotions except the multiple jackpot 310. The bonus server 351 tracks cash-in for the bonus pool 304 and hidden pool 306 and determines the appropriate time at which to award each bonus prize. In the described embodiment, a single bonus server 351 controls all progressive jackpots 309. Second and third bonus servers 351 respectively control the car mystery and cash mystery variants of the participation bonuses 308. A fourth bonus server 351 controls the cash bonus 307. Since the multiple jackpot 310 is initiated at random times by insertion of a

special card in a bank controller 355, no bonus server 351 is dedicated to controlling the multiple jackpot 310.

Acres at 17:18-33. Clearly, there is no disclosure of messages being received at one bonus server and then forwarding or transmitting the message to another bonus server. As such, this cited portion of Acres is insufficient to anticipate “executing the first application on a secondary server in communication with the central server,” where “a first application queue associated with a first application configured to process the primary event message” and “transmitting the received primary event message to the identified first application queue,” as recited and incorporated into claim 4 from base independent claim 1.

Moreover, Applicant respectfully submits that other portions of Acres relied upon by the Final Office Action are also insufficient to anticipate claim 4. In particular, Figure 35 and associated text at column 31, lines 6-39, clearly refer to a single bonus server 370, which includes or incorporates the event managers. As stated in Acres:

The control method is organized into four event managers: request response manager (RRM) 373; configuration service manager (CSM) 380; meter calculation manager (MCM) 376; and bonus control manager (BCM) 378. Within the bonus server 370, messages are passed for communicating information and revising status indicators. Each event manager will now be discussed.

Acres at 31:6-12. Clearly these event managers are located on the same bonus server 370.

Moreover, Applicant respectfully submits that this portion of Acres is also insufficient to render claim 4 obvious. In particular, there is no disclosure, teaching, or suggestion in the cited portions of Acres of locating these event managers on different or various servers. To go even further, there is no disclosure, teaching, or suggestion in these cited portions of Acres of using an external queuing mechanism to provide for distribution of services across several machines.

Thus, because Acres apparently does not disclose or describe all of elements of claim 4 in the arrangement provided in this claim, Applicant respectfully submits that no *prima facie* case of anticipation exists with respect to claim 4. Moreover, because Acres does not disclose, teach, or suggest all of the elements of claim 4, Applicant respectfully submits that no *prima facie* case

of obviousness exists with respect to claim 4. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102 and § 103 rejections of this claim.

Concerning claim 11

Applicant respectfully submits that a *prima facie* case of anticipation of dependent claim 11 has not been established because Acres fails to disclose all elements in the arrangement recited in claim 11.

Applicant submits that Acres does not disclose “using message queuing, the message queuing including a store-and-forward mechanism,” as recited in claim 11.

Instead, the cited portion of Acres refers generally to using message queues. As Acres states:

RRM 373 controls the interfacing of the bonus server 370 over the network to the remainder of the bonus promotion system 350. RRM 373 sends and receives data packets over the network via a socket connection 371. Incoming data packets are temporarily stored in a message queue 372. If an incoming data packet is a broadcast message or is addressed to the bonus server 370, the data packet is initially placed in the message queue 372 by the socket connection 371 and subsequently forwarded by RRM 373 to a packet decode module 374. Outgoing data packets from CSM 380 and BCM 378 are temporarily stored in a message queue 385. Each outgoing packet is removed from the message queue 385 by a response module 386 and subsequently forwarded by RRM 373 to the socket connection 371 for transmission over the network.

CSM 380 interfaces the bonus server 370 to the DACOM host 354 and configures the gaming devices 300 participating in the bonus server's promotion through their respective MCIs 356. Incoming packets for CSM 380 are stored in a message queue 379. CSM 380 accesses stored configure values 382 for the bonus server 370 through a configuration data control module 381. For interfacing with the DACOM host 354, CSM 380 process history response queries, controls the on-line status of the bonus server 370 and sends a software signature at least once a day. For gaming device 300 configuration, CSM 380 transmits configuration information whenever a new MCI 356 comes on-line and can take any MCI 356 off-line.

BCM 378 detects a bonus condition and notifies the other components in the bonus promotion system 350 prior to, during and after the bonus award. Incoming packets for BCM 378 are stored in a message queue 377.

BCM 378 accesses stored configure values 382 for the bonus server 370 through the configuration data control module 381. BCM 378 also accesses the bonus pool 304 and hidden pool 306 values stored in pool value and previous meters 384 through a pool data control module 383.

MCM 376 calculates updated meter values for each participating gaming device 300. Incoming packets for MCM 376 are stored in a message queue 375. MCM 376 accesses stored configure values 382 for the bonus server 370 through the configuration data control module 381. MCM 376 also accesses the bonus pool 304, hidden pool 306 and previous meter values stored in pool value and previous meters 384 through a pool data control module 383. Finally, MCM 376 updates the bonus server's configuration by sending updated configuration values to CSM 380.

Acres at 31:13-59. The queues in this cited portion of Acres may store the messages temporarily, but this is not the same as a “store-and-forward mechanism,” as recited in claim 11.

One of ordinary skill in the art would understand, Applicant’s “store-and-forward” as referring to a queuing mechanism that uses persistent data storage to store messages until the intended receiver has an opportunity to receive it. This provides for a reliable method for asynchronous messaging. As described in Applicant’s description:

Message queuing guarantees message delivery through a store-and-forward mechanism that delivers the message to the next processing component in the system as soon as it becomes available. If the application is off-line, the message director in combination with message queuing stores the message in a queue on a hard disk drive. Once back online, the event messages stored on disk can be retrieved from the point that communications were interrupted and forwarded to the appropriate application.

Application at p. 12, lines 16-21. In contrast, this type of offline storage is not disclosed, taught, or suggested in the cited portions of Acres.

Thus, because Acres apparently does not disclose or describe all of elements of claim 11 in the arrangement provided in this claim, Applicant respectfully submits that no *prima facie* case of anticipation exists with respect to claim 11. Moreover, because Acres does not disclose, teach, or suggest all of the elements of claim 11, Applicant respectfully submits that no *prima*

facie case of obviousness exists with respect to claim 11. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102 and § 103 rejections of this claim.

C.2. The rejection of claims 12-14 and 17 using Acres in view of Bowman-Amuah.

The dependent claims 12-14 and 17 depend from independent claims 1 and 10, either directly or indirectly, and accordingly incorporate the limitations of each of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. For brevity, Applicant defers (but reserves the right to present) further remarks, such as concerning any dependent claims, which are believed separately patentable. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

8. SUMMARY

In sum, because the cited references do not disclose, teach, or suggest all of the subject matter of claims 1, 4, 8-11, 15, and 18, Applicant respectfully requests reconsideration and withdrawal of all bases of rejection of all claims. Furthermore, any dependent claims not specifically addressed depend directly or indirectly on independent claims 1 and 10 and accordingly incorporate the limitations of these independent claims. As such, Applicant respectfully requests reconsideration and withdrawal of all bases of rejection of all dependent claims.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 371-2134 to facilitate prosecution of this application.

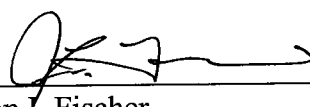
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date March 2, 2009

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 2, 2009.

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Name

Signature

